

**ASSEMBLY, No. 1025**

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**STATE OF NEW JERSEY**

**220th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Assemblyman JAY WEBBER**

**District 26 (Essex, Morris and Passaic)**

**Assemblyman HAROLD "HAL" J. WIRTHS**

**District 24 (Morris, Sussex and Warren)**

**Co-Sponsored by:**

**Assemblyman Space**

**SYNOPSIS**

Revises timeframes for issuance of certain construction permits by DEP in 90 days.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the issuance of certain construction permits by  
2 the Department of Environmental Protection and amending  
3 P.L.1975, c.232.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. Section 3 of P.L.1975, c.232 (C.13:1D-31) is amended to  
9 read as follows:

10 3. The department shall approve, condition , or disapprove an  
11 application for a construction permit within 90 days following the  
12 date that the application is complete, except that this time period  
13 may be extended for a 30-day period by the mutual consent of the  
14 applicant and the department, provided that the department  
15 **【request】** requests the applicant for **【such an】** the extension at least  
16 15 days prior to the expiration date for the approval, conditioning ,  
17 or disapproval of **【such an】** the application and the need for the  
18 extension is necessary for the department to obtain information that  
19 is dependent on specific seasonal or weather conditions. If the  
20 department is unable to obtain information that is dependent on  
21 specific seasonal or weather conditions within the timeframe  
22 specified herein, in the absence of evidence to the contrary, the  
23 application shall be deemed to meet the necessary criteria for  
24 approval or conditional approval of the application .

25 (cf: P.L.1975, c.232, s.3)  
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27 2. This act shall take effect immediately.  
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29

### 30 STATEMENT

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32 This bill would amend P.L.1975, c.232 (C.13:1D-29 et seq.),  
33 commonly referred to as the “90-Day Law.” This law sets forth  
34 timeframes to be followed by the Department of Environmental  
35 Protection (DEP) when processing applications for certain  
36 construction permits.

37 The current law provides that the DEP must approve,  
38 conditionally approve, or disapprove an application for a  
39 construction permit within 90 days following the date that the  
40 application is complete. The law further provides that this time  
41 period may be extended for a 30-day period by the mutual consent  
42 of the applicant and the DEP, provided that the DEP asks the  
43 applicant for the extension at least 15 days prior to the expiration  
44 date for the decision on the application. This bill would amend the  
45 law to allow the DEP to request this extension only when the need

**EXPLANATION** – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 for the extension is necessary for the DEP to obtain information that  
2 is dependent on specific seasonal or weather conditions. In  
3 addition, this bill would amend the law to specify that if the DEP is  
4 unable to obtain information that is dependent on specific seasonal  
5 or weather conditions within the specified timeframe, then, in the  
6 absence of evidence to the contrary, the application would be  
7 deemed to meet the necessary criteria for approval or conditional  
8 approval of the application.

9 The “90-Day Law” governs permits generally referred to as  
10 waterfront development permits, coastal wetlands permits, Coastal  
11 Area Facility Review Act or “CAFRA” permits, stream  
12 encroachment or flood hazard area permits, and treatment works  
13 approvals.